

REMARKS

By this Amendment, claims 1-3, and 7-11 are amended, and claims 12-16 are newly added. Support for the amendments to claims 1, 3, and 7-11 and new claims 12-16 may be found, for example, in paragraphs [0022], [0026]-[0027], and [0039]-[0044] of the specification, and in FIGS. 1-4. No new matter has been added. After entry of this Amendment, claims 1-16 will remain pending in the patent application. Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

Claims 1-3, 7 and 11 were rejected under 35 U.S.C. §102(e) based on Henderson *et al.* (U.S. Pat. No. 6,404,869) (hereinafter "Henderson"). The rejection is respectfully traversed.

Claim 1 is patentable over Henderson at least because this claim recites a method for customizing a prepaid service in a telecommunications system, the method comprising, *inter alia*, defining at least two different prepaid profiles, each prepaid profile defining at least one attribute for the prepaid service; associating the subscriber's subscriber information with one of the at least two different prepaid profiles, and providing the prepaid service to the subscriber as indicated by the attribute defined in the one prepaid profile associated with the subscriber's information. Henderson does not teach or suggest a method including these features. Therefore, Henderson does not teach or suggest each and every feature recited by claim 1 and, as a result, cannot anticipate claim 1.

Henderson merely relates to discount rates of prepaid cards. Henderson discloses a system including a data storage system for storing data corresponding to a prepaid telephone calling card and at least one location identifier related to the prepaid telephone calling card. (*See* col. 2, lines 15-20). Henderson further discloses that the location identifiers are used to define what is charged from a telephone call service. Specifically, in Henderson, a purchaser of a pre-paid card ("card purchaser") can select and specify at least one location identifier and then use the pre-paid card to make telephone calls into a particular location (*e.g.*, country, etc.) and receive preferred, reduced service rates for such calls. (*See* col. 3, lines 46-51). However, Henderson is completely silent about defining at least two different prepaid profiles. Furthermore, Henderson is completely silent about indicating in the subscription information which prepaid profile, among the at least two prepaid profiles, should be used with the subscriber. Applicants respectfully submit that a stored location identifier merely

indicates which location should be used when determining the charge rate, but does not indicate that a particular prepaid profile should be used.

In fact, Applicants respectfully submit that Henderson teaches away from at least two prepaid profiles. In Henderson, telephone call services are all provided in a similar manner and a prepaid account is charged in a similar manner regardless of the location identifier, even though the amount of charge depends on the location identifier.

The Office Action indicated on page 2, lines 21-26, that card usage data corresponds to one profile and that location identifiers correspond to other profiles. Applicants respectfully disagree and note that card usage data and location identifiers cannot be considered as two different profiles, one of which being associated with the subscriber's subscriber information, because Henderson clearly indicates that card usage data are associated with one location identifier to calculate the call charge. (See col. 5, lines 54-56 and col. 6, lines 44-47).

Claims 2 and 3 are patentable over Henderson by virtue of their dependency from claim 1 and for the additional feature recited therein. Claim 2 recites a method wherein the associating of the subscriber's subscriber information with one of the at least two different prepaid profiles is carried out during subscription provisioning. Henderson fails to teach or suggest this feature. Applicants note that col. 5, lines 16-21, cited by the Office Action, merely discloses that one or more location identifiers can be stored in a database storage facility during a first use of the prepaid card. Henderson fails to teach or suggest any association between the subscriber information and one of the at least two different prepaid profiles. Claim 3 recites a method as in claim 1, further comprising updating subscriber information during recharge as defined in the one prepaid profile. Likewise, Henderson is completely silent about this feature. Henderson merely teaches in col. 6, lines 14-23 that the card can be recharged. Henderson does not teach or suggest updating subscriber information during recharge as defined in the one prepaid profile.

Claim 7 is patentable over Henderson for at least the same reasons provided above in connection with claim 1. Namely, claim 7 is patentable at least because this claim recites a telecommunications system offering prepaid subscription services, the system comprising at least one database having subscriber information on at least one prepaid subscriber, wherein the system is arranged to maintain at least two different prepaid profiles, each prepaid profile defining at least one attribute for the prepaid service; to associate the subscriber's subscriber information with one of the at least two different prepaid profiles; and to provide a prepaid

service to the subscriber as indicated by the attribute defined in the associated prepaid profile. As mentioned previously, Henderson is silent about these features and, in particular, about prepaid services. Therefore, claim 7 is allowable.

Similarly, claim 11 is patentable over Henderson for at least the same reasons provided above in connection with claim 1. That is, claim 11 is patentable at least because this claim recites a network element in a telecommunications system, where subscribers of the system can prepay for their calls by recharging their accounts via vouchers, the element including a database or a connection to a database having subscriber information of prepaid subscribers, wherein the network element is arranged to have access to at least two different prepaid profile definitions, each prepaid profile defining at least one attribute for the prepaid service, and to update the subscriber information during recharge according to a prepaid profile associated with the recharging subscriber's subscriber information, the prepaid profile being one of the at least two different prepaid profiles. Henderson does not teach or suggest these features. Therefore, claim 11 is allowable.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-3, 7 and 11 are respectfully requested.

Claims 4-6 and 8-10 were rejected under 35 U.S.C. §103(a) based on Henderson in view of Pierce *et al.* (U.S. Pat. No. 5,408,519) (hereinafter "Pierce"). The rejection is respectfully traversed.

Claims 4-6 depend from claim 1 and are, therefore, patentable over Henderson for at least the same reasons provided above in connection with claim 1. Namely, claims 4-6 are patentable at least because they recite a method comprising, *inter alia*, defining at least two different prepaid profiles, each prepaid profile defining at least one attribute for the prepaid service; associating the subscriber's subscriber information with one of the at least two different prepaid profiles, and providing the prepaid service to the subscriber as indicated by the attribute defined in the one prepaid profile associated with the subscriber's information.

Pierce fails to remedy the deficiencies of Henderson. Pierce merely discloses a telecommunication system that keeps track of the cost of each call, including applicable taxes, in real time and notifies the user when the account balance approaches zero. (*See* col. 3, lines 4-6). However, Pierce fails to teach or suggest the features of claims 4-6. Applicants note that Pierce was only cited by the Office Action for the purpose of allegedly teaching the additional features recited in claims 4-6. Therefore, any reasonable combination of Henderson and Pierce cannot result, in any way, in the invention of claims 4-6.

Similarly, claims 8-10 depend from claim 7 and are, therefore, patentable over Henderson for at least the same reasons provided above in connection with claim 1. Namely, claims 8-10 are patentable at least because they recite a telecommunications system offering prepaid subscription services, the system comprising at least one database having subscriber information on at least one prepaid subscriber, wherein the system is arranged to maintain at least two different prepaid profiles, each prepaid profile defining at least one attribute for the prepaid service; to associate the subscriber's subscriber information with one of the at least two different prepaid profiles; and to provide a prepaid service to the subscriber as indicated by the attribute defined in the associated prepaid profile.

Pierce fails to remedy the deficiencies of Henderson. Pierce was only cited by the Office Action for the purpose of allegedly teaching the additional features recited in claims 8-10. Therefore, any reasonable combination of Henderson and Pierce cannot result, in any way, in the invention of claims 8-10.

Furthermore, Applicants respectfully submit that it is improper to combine references when the references teach away from their combination. (See MPEP 2145). As mentioned previously, Henderson teaches a system and a method that facilitate the provisioning, processing, and use of enhanced services in relation to prepaid telephone calling cards. (See col. 1, lines 63-67). By contrast, Pierce teaches a telecommunication system that allows multiple users to place and charge telephone calls to personal accounts without the use of prepaid or "smart" cards. (See Abstract and col. 1, lines 36-46). Because Pierce teaches away from Henderson's system, it is respectfully submitted that the combination of Henderson and Pierce is improper and that the Office Action has not set forth a *prima facie* case that would render claims 4-6 and 8-10 obvious. For at least this reason, claims 4-6 and 8-10 are allowable.

Accordingly, reconsideration and withdrawal of the rejection of claims 4-6 and 8-10 under 35 U.S.C. §103(a) based on Henderson in view of Pierce are respectfully requested.

Claims 12-16 are presented to recite additional features of the invention. Claims 12-15 define patentable subject matter over the cited references at least because these claims recite a network element in a telecommunications system, where subscribers of the system can prepay for their calls by recharging their accounts via vouchers, the element including a database containing at least two different prepaid profile definitions, each prepaid profile defining at least one attribute for the prepaid service, the attribute indicating how a prepaid service is provided. None of the cited references teach or suggest these features.

Furthermore, claim 16 is patentable over Henderson, Pierce or a combination thereof at least by virtue of its dependency from claim 1 and for the additional features recited therein. For example, the cited references do not disclose a method, wherein the defining includes predefining the at least two different prepaid profiles in the telecommunication system before the at least one prepaid subscriber accesses the telecommunication system. In fact, Henderson teaches away from this feature because Henderson clearly indicates that card usage data and location identifiers are stored in the telecommunication system only after a first use of the prepaid card. Henderson does not disclose, teach or suggest prepaid profiles being predefined in the system before the user accesses the system. Therefore, claims 12-16 are in condition for allowance.

Applicants have addressed the Examiner's rejections and respectfully submit that the application is in condition for allowance. A notice to the effect is earnestly solicited.

If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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